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Attorneys

EPA Region 5 Records Ctr.



336256

October 29, 1993

Marsha A. Adams
5HSM-5J
Responsible Party Search Section
U.S. Environmental Protection Agency
Region V
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

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SUPERFUND PROGRAM
MANAGEMENT BRANCH

RE: Request for Information Pursuant to
Section 104(e) of CERCLA for the
Stickney Avenue Landfill and the
Tyler Street Dump Sites in Toledo, Ohio

Dear Ms. Adams:

Grimes Aerospace (FKA: FL Aerospace Corporation; FKA: Midland-Ross Corporation) hereby submits its response to U.S. EPA's September 10, 1993 Request for Information pursuant to Section 104(e) of CERCLA for the Stickney Avenue Landfill and the Tyler Street Dump Sites in Toledo, Ohio. This response is made without any admission of any liability in connection with the Sites.

Grimes Aerospace has made a good faith effort to provide a complete and accurate response to the specific inquiries to the extent those inquiries seek information regarding a connection with the Stickney Avenue Landfill and Tyler Street Dump Sites and any information regarding Grimes' knowledge and activities related thereto. Grimes Aerospace has performed a search of its Corporate records but is currently unaware of any manufacturing facility, past or present that may be linked to the Sites. Grimes Aerospace is continuing its inquiry as to any involvement with the Sites by any former or present manufacturing facilities and will produce additional or supplemental information if its continuing inquiry reveals that Grimes had any involvement at the Sites.

General Objections

To the extent that information requested is not properly the subject of inquiry, goes beyond the scope of authority granted by Section 104(e) of CERCLA, is not reasonably related to the purpose of Section 104(e), is unreasonably burdensome and overly broad, or improperly requests speculation, Grimes Aerospace objects to the form and substance of such requests. The specific responses below



are provided subject to such objections and without waiver of such objections.

We believe that some of the requests seek information beyond the statutory authority of the EPA to make an information request and we hereby object to such requests and instruction to the extent they go beyond EPA's statutory authority. For example, CERCLA Section 104 (e) does not authorize the EPA to request Grimes Aerospace to supplement the information provided herein. Instead, Section 104(e) authorizes an information request only for the purposes of determining the need for response, or choosing or taking any response action under CERCLA, or otherwise enforcing CERCLA at the sites identified by the EPA as Stickney Avenue Landfill and Tyler Street Dump. We therefore object to the instruction which purports to create a continuing duty to supplement this Response. Nevertheless, in a good faith effort to assist EPA in its investigation, Grimes will produce additional or supplemental information if it becomes aware of any involvement with the Sites.

Requests and Responses

Question 1: Identify all persons consulted in the preparation of the answers to these Information Requests.

Response: David Aronowitz, Grimes Aerospace

Question 2: Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests and provide copies of all such documents.

Response: Any documents and other records relating to Grimes' involvement with the Sites, if any, for the period 1951 to 1981, which is the relevant time period as defined in the 104(e) Request letter, would have been destroyed under Grimes Aerospace's document retention policy. There are no documents that are currently being retained at any Grimes Aerospace Corporate office that indicate involvement at the Sites by any Grimes Aerospace entity. As stated above, Grimes is continuing its investigation as to any involvement it may have had at the Sites and will produce additional or supplemental information as appropriate.

Question 3: If you have reason to believe that there may be persons able to provide a more detailed or complete response to any

Information Requests or who may be able to provide additional responsive documents, identify such persons.

Response: Grimes Aerospace is currently unaware of any persons that may be able to provide more detailed or complete responses to any Information Requests or who may be able to provide additional responsive documents regarding the Sites. As stated above, Grimes is continuing its investigation as to any involvement it may have had at the Sites and will produce additional or supplemental information as appropriate.

Question 4: List the EPA Identification Numbers of the Respondent.

Response: Grimes Aerospace has numerous manufacturing facilities, some of which have EPA Identification Numbers. Grimes Aerospace is currently unaware of any of its facilities that may have had an involvement at the Site and is therefore unable to provide an Identification number for a specific plant which may have had any link to the Sites. As stated above, Grimes is continuing its investigation as to any involvement it may have had at the Sites and will produce additional or supplemental information as appropriate.

Question 5: Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom.

Response: Grimes Aerospace is unaware of acts or omissions of any persons connected with Grimes Aerospace who may have caused the release or threat of release of hazardous substances, pollutants or contaminants and damages resulting therefrom. Question #5 has been interpreted as referring to the Sites.

Question 6: Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of material at the Site.

Response: Grimes Aerospace is unaware of any persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of material at the Sites. As stated above, Grimes is continuing its investigation as to any involvement it may have had at the Sites and will produce additional or supplemental information as appropriate.

Question 7: Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous disposal or treatment of waste materials, including hazardous substances, at the Site. In addition, identify the following:

- a) The person with whom you or such other persons made such arrangements;
- b) Every date on which such arrangements took place;
- c) For each transaction, the nature or the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;
- d) The owner of the waste materials or hazardous substances so accepted or transported;
- e) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;
- f) All tests, analyses, and analytical results concerning the waste materials;
- g) The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;
- h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
- i) Where the person identified in g., above, intended to have such hazardous substances or waste materials transported and all evidence of this intent;
- j) Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
- k) What was actually done to the waste materials or hazardous substances once they were brought to the Site;
- l) The final disposition of each of the waste materials or hazardous substances involved in such transactions;

m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste material and hazardous substance involved in each transaction.

n) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;

o) The price paid for (i) transport (ii) disposal or (iii) both of each waste material and hazardous substance.

p) All documents containing information responsive to a-o above or in lieu of identification of all relevant documents, provide copies of all such documents.

q) All persons with knowledge, information, or documents response to a-p above.

Response: Grimes Aerospace is unaware of any persons who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous disposal or treatment of waste materials, including hazardous substances, at the Sites. As stated above, Grimes is continuing its investigation as to any involvement it may have had at the Sites and will produce additional or supplemental information as appropriate.

Question 8: If your waste was not taken to the Stickney Avenue Landfill Site or the Tyler Street Dump during the period from 1951 to 1981, where were your wastes taken and how were they disposed?

Response: Grimes Aerospace objects to this question on relevance grounds. This question does not relate specifically to the Stickney Avenue Landfill or the Tyler Street Dump. Section 104(e)(1) restricts EPA's authority to gather information: "The authority of this subsection may be exercised only for the purposes of determining the need for response, or choosing or taking any response action under this title, or otherwise enforcing the provisions of this title." Because this question does not relate to whether a response action may be required at the Sites which are the subject of this Information Request, Grimes objects to this question in its entirety.

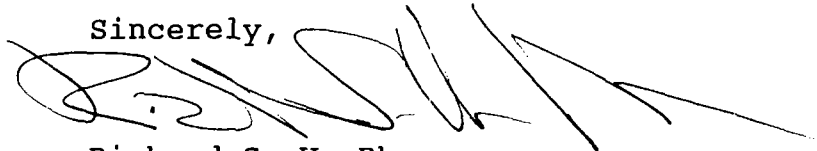
Additionally, Grimes objects on the grounds that it would be unduly burdensome for it to respond. Grimes Aerospace is a major corporation with numerous existing and former manufacturing

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facilities. To require Grimes Aerospace to trace back through over 40 years of history to determine where even the most minute amounts of waste were taken, anywhere in the United States, is grossly burdensome and Grimes Aerospace objects to this question in its entirety.

Grimes Aerospace is continuing its review of company documents and interviews of employees to obtain more information on the Stickney Avenue Landfill and Tyler Street Dump Sites. Grimes restates its objection to U.S. EPA's instruction that Grimes supplement its response, but Grimes will produce additional or supplemental information as appropriate.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. S. VanRheenen', with a long horizontal stroke extending to the right.

Richard S. VanRheenen
On behalf of
Grimes Aerospace